

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

#5
3-8-01

APPLICANT: Connell et al. DOCKET: ALT-5604D CONT of DIV III
SERIAL NO: 09/689,503 ART UNIT: 1723
FILED: October 12, 2000 EXAMINER: J. Drodge
INVENTION: "METHOD AND APPARATUS FOR KIDNEY DIALYSIS"

RECEIVED
MAR - 7 2001
TECHNOLOGY CENTER 1700

Assistant Commissioner for Patents

Washington, D.C. 20231

S I R:

In accordance with the provisions of 37 C.F.R. 1.56 and the requirements of 37 C.F.R. 1.98, Applicants respectfully request that a citation and examination of the documents identified below and on the attached PTO 1449 form be made during the course of examination of the above-identified application for United States Patent.

The documents identified in this statement relate to oppositions submitted by B. Braun Melsungen and Fresenius Medical Care against European Patent No. 0 668 793 B1. This European patent claims priority from U.S. Patent Application Serial No. 975,523 (now U.S. Patent No. 5,326,476) which claims priority from U.S. Patent Application Serial No. 688,174 (now U.S. Patent No. 5,247,434) as does the above-identified patent application. The opposition documents were received by European patent counsel, it is believed, on January 10, 2001 and January 18, 2001 respectively. Applicants are submitting what they believe are the entire set of documents as received by Applicants' European counsel. Applicants are also submitting what they believe to be translations of certain of the documents that are not in English. To the extent

the Patent Office requires any additional information or has any questions regarding this matter, Applicants respectfully request that the Patent Office contact Applicants' undersigned attorney.

DOCUMENTS

Communication of a Notice of Opposition from the European Patent Office dated January 5, 2001.

Objection on behalf of B. Braun Melsungen AB to Patent 0 668 793 B1 by von Kreisler et al. Patent Attorneys dated January 2, 2001 (with translation).

U.S. Patent No. 4,898,578 to Rubalcaba, Jr. issued on February 6, 1990.

1 CMS 08 Handbook dated August 4, 1988, published by Fresenius AG (with translation).

Communication of a Notice of Opposition from the European Patent Office dated January 16, 2001.

Objection to European Patent EP - 0 668 793 B1 by Luderschmidt et al. Patent Attorneys on behalf of Fresenius Medical Care dated January 4, 2001 (with translation).

Einspruch gegen ein europäisches Patent (6 pages).

U.S. Patent No. 4,898,578 to Rubalcaba, Jr. issued on February 6, 1990.

CMS 08 Handbook dated August 4, 1988, published by Fresenius AG.

Computer Modelling System 08, CMS 08 document, published by Fresenius AG.

• Dialysis System A2008 C document published by Fresenius AG.

Erben, J. et al., "Computer-Supported Risk Analysis of Haemodialysis Patients in Combination with Possible Therapies by the CMS 08," Improvements in Dialysis Therapy, 1989, Vol. 74, page 165. *

Stefoni, S. et al., "The CMS 08 Modulated Dialysis," Improvements in Dialysis Therapy, 1989, Vol. 74, page 221. *

Perrone, B., "Evidence of Fluid Shifts during Dialysis Sessions with Sodium and Ultrafiltration Profiles," Improvements in Dialysis Therapy, 1989, Vol. 74, page 191. *

Deuber, H.J. et al., "Clinical Application of the Sodium Modelling Computation with CMS 08,"
Improvements in Dialysis Therapy, 1989, Vol. 74, page 159. *

Eidesstattliche Versicherung (Solemn Declaration) for Raimond Walter dated January 2, 2001
(with translation).

Copy of photograph labeled Anlage 8.

Programme for European Renal Association XXIXth Congress, 5 pages.

Copy of photograph labeled Anlage 10.

Copy of photograph labeled Anlage 11.

Eidesstattliche Versicherung (Solemn Declaration) for Reiner Spickermann dated December 27,
2000 (with translation).

*Applicants are submitting for the Patent Office's convenience a copy of the entire document.

Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,

(Reg. No. 30,142)

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